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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR - 7 1997

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 97-65
Table of Allotments,) RM-9002
FM Broadcast Stations)
(Chewelah, Washington))

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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COMMENTS AND COUNTERPROPOSAL

LifeTalk Broadcasting Association ("LifeTalk"), by counsel, hereby submits its Comments and Counterproposal in response to the Commission's Notice of Proposed Rule Making (NPRM), DA 97-301, released February 14, 1997, in the above-identified proceeding.

The Commission proposes to add Channel *283C3 at Chewelah, Washington in the FM Table of Allotments and to reserve it for noncommercial use. This mirrors the proposal put forward by LifeTalk in its Petition for Rulemaking which gave rise to this proceeding. LifeTalk continues to support the proposal to allot an FM channel to Chewelah and to reserve it for noncommercial use.

However, as the Commission noted in the NPRM, another Class C3 channel is available in the Chewelah area in addition to Channel 283C3. It appears that that channel is Channel 274C3. For the reasons stated below, LifeTalk believes that Channel 274C3 would be the better choice for the first allotment to Chewelah and urges the Commission to amend the

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proposal accordingly. The Commission's proposal to reserve the first Chewelah allotment for noncommercial use should not be affected by this change in frequency. LifeTalk continues to support that aspect of the proposal. Accordingly, LifeTalk requests that Channel 274C3 be allotted to Chewelah instead of Channel 283C3, and that Channel 274C3 be reserved exclusively for noncommercial use.

As the Commission notes in the NPRM, the proposed allotment of Channel *283C3 would be subject to a site restriction of 4.9 kilometers north of Chewelah in order to avoid short-spacing to KEEH, Spokane, Washington, on first adjacent Channel 284A. It has come to LifeTalk's attention that KEEH presently has a significant audience in the area which would lie within the primary coverage contour of a station on Channel *283C3 at Chewelah. A new signal from a new station on Channel *283C3 would interfere with the reception of KEEH on Channel 284A in the Chewelah area.

An interference study for Channel 274C3 at Chewelah (with a hypothetical site at the coordinates of N 48-08-45, W 117-56-09) indicates that it would enjoy generally larger margins between its own contours and those of the other U.S. stations and/or allotments which it must protect. The smallest margin vis-a-vis a U.S. station would be 10 kilometers with co-channel KORD, Richland, Washington, which is a full Class C station. The next larger margin would be 15.2 kilometers with KSPT, on Channel 273A, at Sandpoint, Idaho. The margins to all other U.S. stations are at least 30 kilometers. An interference

study documenting these figures is attached in Exhibit 1. From this data, LifeTalk deduces that the establishment of a new station on Channel *274C3 would have less affect upon the use of existing remote service in the Chewelah area than would a new station on Channel *283C3.

LifeTalk believes that as long as an alternate channel is available for the proposed new service, the public interest would be served by preserving the availability of the existing distant service from KEEH. LifeTalk acknowledges that KEEH is not legally entitled to any protection beyond its primary service contour. However, the preservation of existing service which the public is using, albeit beyond the primary contour, is consistent with Commission precedent and policy when it can be accomplished without detriment to other priorities.

The Commission's allotment priorities are set forth in FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982).

They are as follows:

- (1) First aural service.
- (2) Second aural service.
- (3) First local service.
- (4) Other public interest matters.

The allotment of neither channel would fall within the first or second level of priorities. But both channels could achieve the third priority -- i.e., the establishment of the first local service for Chewelah. Allotting Channel *274C3 would also contribute to the fourth priority by preserving a wider program choice for the community insofar as the KEEH signal would remain available. In FM Assignment Policies and Pro-

cedures, supra, the Commission stated that one of the objectives to be served by the FM Table of Allotments is the "Provision of as many program choices to as many listeners as possible." Para. 3. If the subject allotment can be implemented while leaving KEEH as an available program choice to the residents of the Chewelah area, this objective will be promoted.

This approach would also be consistent with other policy strands evident in the Commission's rules. For example, Section 74.1203 prohibits the establishment of an FM translator station anywhere that it would interfere with the use of another FM signal, even if such use is beyond the primary service contour of the FM station in question. Similarly, in Section 73.512, the Commission instructed Class D stations to relocate to the frequency where their operation would be the least preclusive to the establishment or upgrade of other stations.

LifeTalk is not proposing here any radical change in the Commission's long-standing definition of the primary service area for an FM station, nor proposing that new levels of protection should be afforded to stations beyond their primary service contours. But it is well-acknowledged that FM signals are often readily usable well beyond the primary service area. This is apparently the situation with respect to KEEH. LifeTalk is merely suggesting that in cases where the selection of an alternate channel can be allotted to accomplish the primary coverage objective of the allotment proceeding, while still preserving the local availability of a distant signal, that alternate should be selected in order to preserve the

widest possible choice of programming for the local population. In cases such as this, the public interest would be served by allotting the alternate and essentially equivalent channel.

Accordingly, LifeTalk urges the Commission to allot Channel *274C3 to Chewelah, Washington and to reserve it for noncommercial use. If the channel is allotted to Chewelah, LifeTalk will file and prosecute an application for a new station on that channel. If that application is granted, LifeTalk will promptly construct the proposed station and initiate service to the public.

Respectfully submitted,

LIFETALK BROADCASTING ASSOCIATION

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EXHIBIT 1

CH# 274C3 - 102.7 MHz

chew102

INTERFERENCE CHECKS WITH CHEW, CHEWELAH, WA at N. LAT. 48 08 45 W. LNG. 117 56 09

PWR = 25 kW H.A.A.T. = 100 M

Protected F(50-50) 60 dBu = 38.53 km

F(50-10)	40 dBu = 113.52	54 dBu = 60.24	80 dBu = 13.1	100 dBu = 3.99
F(50-10)	37 dBu = 130.44	51 dBu = 69.38	77 dBu = 15.42	97 dBu = 4.86
F(50-10)	34 dBu = 146.14	48 dBu = 80.13	74 dBu = 18.14	94 dBu = 5.79

CH#	CALL	TYPE	* IN *	* OUT *	BEARING	DISTANCE	LAT.	PWR (kW)	INT (km)	PRO (km)	
CITY	STATE	LICENSEE			<---		LNG.	HAAT (M)	COR (M)	FILE #	
272A	ALOPEN	AL	N	42.0 R	52.2 M	124.4	94.23 km	47 39 50	6.00	9.03	28.29
Coeur d'Alene	ID	WO- 950			304.4	58.55 Mi	116 53 57	100.0	0		
FCC Comment > Accepted by Canada 940207											
272A	AL272	AL		62.0 R	39.8 M	341.0	101.85 km	49 00 39	3.00	7.60	32.98
Grand Forks	BC					161.0	63.29 Mi	110 23 25	100.0	0	
272A	AP272	AP ZCN		42.0 R	52.2 M	123.8	94.23 km	47 40 14	0.72	9.11	28.45
Coeur d'Alene	ID	Woodcom, Inc.				303.8	58.55 Mi	116 53 32	287.0	1077	BPH950523MC
273A	KSPTFM	CPMZCN		89.0 R	15.2 M	81.6	104.24 km	48 16 29	3.00	19.97	13.60
Sandpoint	ID	Benefield Broadcasting, In				261.6	64.77 Mi	116 32 48	-134.0	661	BMPH920724ID
FCC Comment > Specially negotiated, short-spaced allotment, ltd. to 5.1kw ERP & 100m HAAT or the equivalent along the 325.1 degree azimuth towards channel 273A											
Castlegar, BC											
273A	KSPTFM	CP CN		89.0 R	16.0 M	79.8	105.04 km	48 18 16	3.00	19.97	13.60
Sandpoint	ID	Benefield Broadcasting, In				259.8	65.27 Mi	116 32 32	-105.0	706	BPH930811IB
FCC Comment > Proposed as Class B1 to Canada-Specially negotiated, short-spaced allotment limited to 4.4kw ERP and 100m HAAT toward channel 273A in Castlegar, BC.											
273A	AL273	AL		113.0 R	18.7 M	8.5	131.67 km	49 19 00	3.00	35.97	32.98
Castlegar	BC					188.5	81.82 Mi	117 40 00	100.0	0	
273A	AL273	AL		113.0 R	94.7 M	311.3	207.74 km	49 21 24	3.00	35.97	32.98
Hedley	BC					131.3	129.08 Mi	120 05 16	100.0	0	
273C3	KRAO.C	CP CN		99.0 R	54.9 M	157.8	153.87 km	46 51 44	2.20	58.32	38.64
Colfax	WA	Dakota Communications A Lt				337.8	95.61 Mi	117 10 20	329.0	1106	BPH940511JZ
FCC Comment > Proposed to Canada as Class B 950126-Accepted by Canada 950331											
274C	KORD	LI CN		237.0 R	10.0 M	203.1	247.02 km	46 05 47	100.00	176.46	74.90
Richland	WA	Deschutes River Tri-Cities				23.1	153.49 Mi	119 11 36	335.0	693	BLH830915AG
274C3	AD274	AD		153.0 R	-153.0 M	0.0	0.00 km	48 08 45	25.00	113.52	38.53
Chewelah	WA	LifeTalk Broadcasting Asso				180.0	0.00 Mi	117 56 09	100.0	0	RM9002
FCC Comment > Canadian Concurrence Required											
Site Restriction 21.8km Southwest-Alternate Channel											
274B	CBTFM	OP DRN		223.0 R	61.1 M	335.8	284.15 km	50 27 51	0.22	95.71	46.62
Falkland	BC					155.8	176.56 Mi	119 34 48	706.0	0	

CH#	CALL	TYPE	* IN *	* OUT *	BEARING	DISTANCE	LAT.	PWR (kW)	INT (km)	PRO (km)
CITY	STATE	LICENSEE			<---		LNG.	HAAT (M)	COR (M)	FILE #
275B	AL275	AL	149.0 R	~0.0 M	44.0	148.98 km	49 06 00	50.00	78.09	64.92
Creston	BC				224.0	92.57 Mi	116 31 00	150.0	0	
275B	AL275	AL	149.0 R	19.6 M	311.5	168.57 km	49 08 08	50.00	78.09	64.92
Oliver	BC				131.5	104.74 Mi	119 40 08	150.0	0	
FCC Comment > Accepted by Commission 930301										
275B	CJOREM	OP DCN	149.0 R	19.6 M	311.5	168.57 km	49 08 08	0.18	56.92	50.98
Oliver	BC				131.5	104.74 Mi	119 40 08	921.0	0	
276C2	KCDA	LI CN	56.0 R	35.2 M	126.1	91.20 km	47 39 35	2.35	17.91	51.85
Coeur d'Alene	ID	Rook Broadcasting of Idaho			306.1	56.67 Mi	116 57 13	575.0	1376	BLH891213KA
277C3	KVYF	LI CN	43.0 R	82.3 M	219.9	125.27 km	47 15 40	25.00	3.41	33.81
Wilson Creek	WA	Wilson Creek Communication			39.9	77.84 Mi	119 00 00	74.0	549	BLH941219KD
FCC Comment > *To Channel 278C1 per D95-163										
277A	AL277	AL	54.0 R	47.8 M	341.0	101.85 km	49 00 39	3.00	2.33	32.98
Grand Forks	BC				161.0	63.29 Mi	118 23 25	100.0	0	
I.F. RELATIONSHIPS:										
221A	KCRK	LI CN	12.0 R	29.8 M	2.8	41.75 km	48 31 15	3.00	1.61	13.60
Colville	WA	Tri-County Broadcasting			182.8	25.94 Mi	117 54 28	-241.0	532	BLH820302AD
FCC Comment > Specially negotiated, short-spaced allotment										
220A	KSFC	LI HN	12.0 R	51.2 M	145.5	63.17 km	47 40 37	0.10	0.71	5.65
Spokane	WA	Spokane Public Radio, Inc.			325.5	39.25 Mi	117 27 31	-69.0	593	BLH811216AA